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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,608	02/25/2004	Bror Fries	185PIUSII	2821

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EXAMINER

KYLE, MICHAEL J

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/786,608

Applicant(s)

FRIES, BROR

Examiner

Michael J. Kyle

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isele (U.S. Patent no. 6,553,621) in view of Bolle (U.S. Patent No. 5,646,708). With respect to claim 34, Isele disclose an adjustable door hinge device for a door assembly having a door and frame (door attached to 5, furniture frame attached to 30, column 2, lines 12-16) comprising an adjustable screw body (19) adjustably fastened into the frame member (on furniture) and in abutment with a part of a rear face of a first hinge flap (3). A fastening screw (18) is configured to extend through a hole in the first hinge flap (see figure 2) and engage a hole in the screw body (19) and abut part of a front face of the first hinge flap. Through holes in the first hinge flap (receiving 12, 15, and 31) are provided to receive screw members to attach the first hinge flap to the frame member. The fastening screws (18) and screw body (19), along with the screw members (31) provide for angular adjustment and fixing of the hinge flap relative to an adjacent portion frame member facing the rear side of the first hinge flap an in cooperation with a tilting location (on 3). A second hinge flap (5) is attached to the door. Isele discloses the fastening screw to be riveted to the adjustable screw body, not threadably received therein as claimed.

Art Unit: 3677

3. Bolle teaches a coupling where either a rivet or screw could be used (column 2, line 5).

This teaches screws and rivets to be equivalent within the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Isele such that the fastening screw (18) is screwed, or threaded in the axial bore of the adjustment screw, rather than riveted, as these are equivalent fastening means.

4. With respect to claim 35, Isele discloses the tilting location to be at a rear end of the first hinge flap (3) adjacent to screw members (31) in cooperation with an adjacent locating portion (30) on the door frame member.

5. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isele in view of Bolle as applied to claim 34 above, and further in view of Lautenschlager (U.S. Patent No. 5,632,064). Isele shows a hinge flap (4) fastened to a mounting or insertion fitting (5) in a door leaf of the door assembly, but is silent as to whether it is a snap fit connection.

6. Lautenschlager teaches a hinge assembly having a hinge flap (44) that is releasably snappable into a fitting (38) to allow for quick and easy assembly and disassembly (abstract). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Isele as taught by Lautenschlager in order to provide a quick and easy assembly and disassembly mechanism.

7. Claim 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Isele, Bolle, and Lautenschlager as applied to claim 36 above, and further in view of Sitter (U.S. Patent No. 6,202,255). With respect to claim 37, Isele, Lautenschlager, and Bolle all fail to disclose a

Art Unit: 3677

mounting fitting having a height adjustment member for adjusting the position of the second hinge flap relative to the door leaf. Sitter teaches a hinge arrangement with first (2) and second (1) hinge flaps. The second hinge flap includes a mounting portion (15, 16, 19) with a height adjustment member (15, 16). This arrangement allows for adjustment of the door and hinge after the door has been secured to a frame. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hinge of Isele to include a height adjustment on the second flap so the height of the door can be adjusted after the hinge and door have been mounted.

#### *Response to Arguments*

8. Applicant's arguments filed July 28, 2006, have been fully considered but they are not persuasive. Applicant argues that the hinge of Isele is used for a cabinet hinge and is not suitable as a door hinge. Examiner notes the claim limitations do not preclude a cabinet hinge in the prior art from reading on the claim. A cabinet hinge is also fastened to a door and frame as claimed. Any new grounds of rejection set forth were necessitated by applicant's amendments to the claims.

#### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3677


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mk

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**